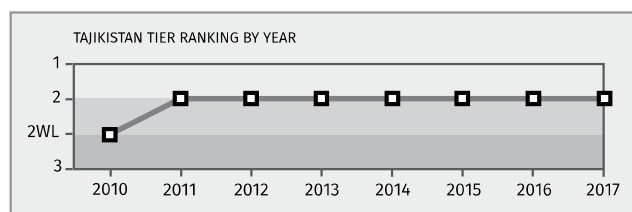


and brokers, some of whom are from Taiwan, to perform low-skilled work as home caregivers and domestic workers, or in farming, manufacturing, construction, and fishing industries. Some foreign workers are charged exorbitantly high recruitment fees, resulting in substantial debts used by brokers or employers as tools of coercion to obtain or retain their labor. After recruitment fee repayments are garnished from their wages, many foreign workers in Taiwan earn significantly less than the minimum wage. Domestic workers and home caregivers are especially vulnerable to exploitation, since they often live in their employers' residences, making it difficult to monitor their working and living conditions. Brokers in Taiwan sometimes assist employers in forcibly deporting "problematic" foreign employees should they complain, enabling the broker to fill the empty positions with new foreign workers and continually use debt bondage to control the work force. Documented and undocumented fishermen on Taiwan-flagged fishing vessels, mostly from China, Indonesia, the Philippines, and Vietnam, experience non- or under-payment of wages, long working hours, physical abuse, lack of food, and poor living conditions, which are indicators of trafficking. There have been reports of men and women from Taiwan engaged in illegal business operations overseas that present indicators of human trafficking, including in telecom scams targeting Chinese victims, as well as women from Taiwan being lured into forced prostitution in the United States.

TAJIKISTAN: TIER 2

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore, Tajikistan remained on Tier 2. The government demonstrated significant efforts during the reporting period by drafting and approving a national action plan for 2016-2018, approving a national referral mechanism, and monitoring for forced labor of children in the annual cotton harvest. The Inter-Ministerial Commission to Combat Trafficking in Persons met quarterly to coordinate governmental anti-trafficking efforts and established a working group to monitor implementation of the victim protection law. However, the government did not meet the minimum standards in several key areas. Slow progress in the implementation of its victim protection law left officials without victim identification procedures, and resulted in inadequate victim protection services. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses.



RECOMMENDATIONS FOR TAJIKISTAN

While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit

in trafficking, and convict and appropriately sentence perpetrators; amend existing anti-trafficking legislation to more closely conform with international standards, specifically to criminalize child sex trafficking in the absence of force, fraud, and coercion; implement standard operating procedures for identifying trafficking victims, including any forced labor in the cotton harvest; increase measures and dedicate funding or in-kind support to provide comprehensive care to victims and encourage their assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs; train law enforcement to screen men and women in prostitution for signs of trafficking and ensure sex trafficking victims are not penalized for prostitution offenses; continue to enforce the prohibition against the forced labor of children in the annual cotton harvest by inspecting fields during the harvest in collaboration with local officials and NGOs; improve the collection of anti-trafficking law enforcement data; continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes.

PROSECUTION

The government maintained its anti-trafficking law enforcement efforts. Article 130.1 of the 2003 criminal code, amended in 2004 and 2008, prohibits all forms of trafficking, including the use of force, fraud or coercion for the purpose of sexual exploitation and forced labor. The article prescribes penalties of five to 15 years imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Article 130.1 does not, however, criminalize inducing children to engage in prostitution without resort to force, fraud, or coercion, which is how states are required to define the crime by international law. Article 132 criminalizes recruitment for sexual or other exploitation through fraud—but not through coercion—and carries a maximum penalty of five years imprisonment. Article 167 prohibits the buying and selling of children, prescribing five to 15 years imprisonment and several other criminal code provisions include trafficking crimes, such as article 130.2, which criminalizes the use of slave labor, and article 241.2, which criminalizes the use of minors in the production of pornography.

The government investigated 18 cases involving 24 suspected traffickers and prosecuted 13 cases involving 17 defendants in 2016, compared to 39 suspected traffickers investigated and 24 prosecuted in 2015. Courts convicted 10 traffickers, with sentences ranging from five to nine years imprisonment, compared to 10 convictions in 2015. Endemic corruption inhibited law enforcement action during the year and facilitated transport of victims across borders and through inspection points; nonetheless, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained investigators, prosecutors, and judges on the 2014 victim protection law, victim-centered approaches, and investigative techniques.

PROTECTION

The government maintained minimal efforts to identify trafficking victims, but provided no services. The government

identified and referred six victims to international organizations for assistance, a decrease from eight victims in 2015 and 26 in 2014. Civil society groups and international organizations provided protective services to 12 trafficking victims in 2016. The government made some progress in implementing the 2014 victim protection law, which sets forth the provision of victim services; establishes government standards for service delivery among providers, including governmental agencies and NGOs; and mandates a national referral mechanism. The government approved a newly drafted national referral mechanism in July 2016 and created a working group to monitor and facilitate its implementation. The government has not implemented services set forth in the 2014 victim protection law or formalized the roles of agencies tasked with providing services or funded the services. As a result, authorities remained without a formal system for identifying trafficking victims and referring them to services. Officials sometimes temporarily detained sex trafficking victims, but later released and referred them for assistance. Furthermore, as law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in prostitution or forced labor, it was possible officials prosecuted, detained, or penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

The government did not report providing any services to trafficking victims and did not directly shelter victims; the country's sole shelter for trafficking victims closed when foreign funding expired in April 2016. The government's committee on women and family affairs' crisis center in Dushanbe offers women free legal and psychological assistance among other services, but did not assist any trafficking victims. NGOs working on domestic violence also occasionally provided trafficking victims with medical and psycho-social care, legal and vocational training, and assisted in family reunification; however, the government did not provide financial support to such organizations.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses and their advocates. The law provides foreign victims with the right to request temporary residency, which can be extended for one year following the completion of a criminal case, and based on the victims' cooperation with law enforcement agencies, although no such cases were reported. The 2014 victim protection law does not link other victim benefits to a victim's participation in a trial and provides victim services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes.

PREVENTION

The government increased its efforts to prevent human trafficking. The Ministry of Education (MOE) continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. The government assigned three inspectors to conduct monitoring of the cotton harvest, continuing a practice begun in 2010 in cooperation with NGOs.

The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking

commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. The commission met quarterly, convening government officials, donors, NGOs, and international organizations to report on their anti-trafficking work, and to identify and discuss ongoing needs. The commission developed a national referral mechanism and provided input for the 2016-2018 national action plan, which was drafted and approved in July 2016. The commission also established a working group to ensure uniformity between the new action plan and referral mechanism and the 2014 law and to develop additional amendments recommended by the commission.

A telephone hotline provided in previous years by the government in partnership with NGOs and an international organization was no longer in operation. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students. The government supported training on victim identification and protection for consular officers, but did not provide any other anti-trafficking training for its diplomatic personnel. Tajik law requires entities engaged in labor recruitment abroad to obtain licenses from migration authorities and provides punitive measures for violations, although no such cases were reported. The Tajik migration service provided migrants with information on the risk of trafficking prior to travel abroad. In partnership with the migration service, lawyers employed by an international organization provided legal consultation on migration and trafficking at migration service support centers. The government made efforts to reduce the demand for commercial sex by investigating and prosecuting purchasers of commercial sex. The government did not report any efforts to reduce the demand for forced labor.

TRAFFICKING PROFILE

As reported over the past five years, Tajikistan is a source and, to a lesser extent, destination country for men, women, and children subjected to forced labor, and a source and destination country for women and children subjected to sex trafficking. Extensive economic migration exposes Tajik men, women, and children to exploitation. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, UAE, Kazakhstan, and, to a lesser extent, in neighboring Central Asian countries, Turkey, and Afghanistan. Women and children from Tajikistan are subjected to sex trafficking primarily in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan.

Women and minors are increasingly vulnerable to trafficking. In some cases, migrant laborers abandon their families, making women more vulnerable to trafficking as sole providers for their families. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Tajik women and girls are transported to Afghanistan for the purpose of forced marriage, which can lead to domestic servitude, sex trafficking, and debt bondage. Tajik children are subjected to sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajik children and adults may be subjected to forced labor in agriculture—mainly during Tajikistan's fall cotton harvest. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan, including in the construction industry.